

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of _____)
Implementation of Section 621(a)(1) of _____)
the Cable Communications Policy Act of 1984 _____) MB Docket
No. 05-311
as amended by the Cable Television Consumer _____)
Protection and Competition Act of 1992 _____)

COMMENTS OF PUBLIC ACCESS TELEVISION, INC.

Public Access Television, Inc. ("PATV"), in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations file these Comments. Like the Alliance, Public Access Television believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Iowa City is a city with a population of 63,807. Our franchised cable provider is MCC IOWA LLC (Mediacom). Our community has negotiated cable franchises since November 28, 1978.

Our Current Franchise

Our current franchise began on December 13, 1995 and (after a recent extension of the agreement) expires on August 1, 2018.

Our franchise requires the cable operator to pay a franchise fee to the city of Iowa City in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross

revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 1 channel devoted to public access; 3 channels devoted to educational access; and 3 channels devoted to government access.

Our franchise requires that our PEG channels be supported in the following ways by the cable operator: in the spectrum between 550 MHz and 750 MHz, the city reserves ten percent of the bandwidth for public, educational and government access use up to 100 analog channels. All active access channels shall be placed on the basic tier of service.

The cable operator provides the city with funds in monthly payments for equipment, facilities, and ongoing support for public, educational, governmental access, and community access programming, in an amount equivalent to fifty-five (55) cents per subscriber per month. These funds are not deducted from the franchise fee.

The franchisee provides Public Access Television, Inc. with annual payments based on an \$189,923.44 annual payment for the calendar year 2005. This amount is increased annually for inflation for the term of the Franchise. The funds for access services are not deducted from the franchise fee or the pass-through money.

The cable operator will insert into subscriber handbooks, information about local access channels. The cost of printing, etc. of this information shall be the sole responsibility of the access-programming provider (government, education, public).

The franchisee provides one hundred (100) run of scheduled public service announcements per month for use by the city or access channel operators. Production of the public service announcements is the responsibility of the city or the access channel operators.

Our franchise allows for capital support for PEG Access and other public interest services in the amount of 55 cents per subscriber per month. These pass-through funds go into a pool which is available exclusively to the Community Television Group (CTG), made up of the city's access entities, and are intended to be used for new endeavors that expand services or increase community programming. Each year, the members of the CTG apply for these funds in the form of grant proposals, which are discussed and approved by the CTG as a whole.

Our franchise contains the following institutional network ("I-Net") requirements: The cable operator provides automatic switching from a site selected by the City for any switching needed by the city to allow city

programming to be viewed within the city while other communities may be viewing other governmental programs. The system design allows originating institutions' signals (public, educational, and governmental channels) to be made available in contiguous communities, which are served by the Iowa City headend. If legal and technically feasible, there will be interconnection with communities not served by the Iowa City headend, provided that the communities pay for the interconnect to the franchisee's headend or locations on the system easiest to reach and/or at the least cost, related to access programming origination distribution.

We use our I-Net facilities in the following ways: cablecast of live community programs from remote sites, and sharing of content between city access channels. There are I-Net sights used for television-conferencing in city education buildings, at the city's housing authority, police station, fire station, and government buildings.

Our franchise contains the following requirements regarding emergency alerts:

The franchisee provides an all-channel, local emergency alert system for use by the City. Emergency messages can be initiated from any touch-tone phone with an access code. The emergency alert service must be upgraded throughout the franchise term as set forth in FCC rules, regulations, or guidelines. These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency. The franchisee is not held responsible for any failure of the emergency alert system to operate during any emergency.

PEG Access Services

Public Access Television, Inc. (PATV) has provided access services in our community since April of 1990. We operate one (1) access channel. In our most recently completed fiscal year, PATV provided 1220 hours of new original local programming to the cable subscribers. The community used our editing equipment 568 times, for 1,704 hours. Our portable camcorders were checked out 762 times. Below are the highlights of our services to the community.

PATV has a video bulletin board with text and graphics, used for community announcements and information.

The staff produces television programming on topics of interest to the local community. Our show "Live and Local" is a live, point-counterpoint debate show on current issues, with a call-in feature for community participation. This show is produced 2-3 times a month. The staff also goes on location to

shoot 3-4 community events per month, on a first-requested, first-served basis.

Staff-produced public service announcements are free to local non-profit organizations

Locally produced programming receives priority scheduling during prime-time hours.

PATV features a hotline studio for live, interactive programs that allow local experts to answer viewer questions.

Free viewing of cable service is available at the PATV studio.

Local news coverage (not on local broadcast stations) is created in different capacities by our community producers.

The staff is available to help the public write grant applications to obtain funds to produce community programming. PATV can act as a fiscal agent for funded projects.

PATV offers media literacy and production training for neighborhood based community organizations and individuals. Video production courses, studio workshops, editing classes, and other subjects are offered monthly, an average of 30 classes per year.

PATV offers part-time internships for school credit, in cooperation with the local university and schools.

Video production facilities, studio time, and equipment are available to the public. PATV has 5 editing bays with basic and advanced editing software. There are 8 camcorder kits for checkout, as well as a range of support equipment such as tripods, microphones, lights, cords and connectors. PATV has a 3-camera studio, with live and call-in capabilities. Members can checkout a portable studio that includes a switcher and monitors.

PATV provides support to Media Training Centers in local schools, enhancing learning opportunities for students.

The facility has a satellite dish for the reception and redistribution of the Free Speech Television network, during non-prime hours.

Once a month, the staff produces "Open Channel", an hour-long open mic format service such as a free speech soapbox.

PATV typically provides local political coverage, candidate platform statements and regularly produces candidate debates in the studio, during campaign season.

The channel cablecasts community college and university educational programming, as provided by the community.

Free broadband Internet access and a printer are available in PATV's producer lounge.

Competitive Cable Systems

Our community has actively sought out competitive providers, but has not been successful in getting companies to apply.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Iowa City. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as

determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

Public Access Television, Inc. therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law.

The PEG Access model should be strengthened and applied to new technologies, assuring that commercial interests do not displace localism and community participation.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

Allowing the local community, which owns the public rights-of-way, to franchise and determine the best use of the community’s property;

Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;

Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,

Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Public Access Television, Inc.

By:
Joshua W. Goding,
Executive Director

206 Lafayette St.
Iowa City, Iowa
52240